



OFFICE OF COMMISSIONER BRENDAN CARR

Following Europe’s Approach to Internet Regulation—With Its Sweeping Government Controls—Would Be a Serious Mistake, as COVID-19 Showed *EU Regulators Asked Netflix and Other Streamers to Ration Service During High-Traffic Time*

WASHINGTON, DC, October 4, 2023—FCC Commissioner Carr issued the following statement:

Regulators in Europe have long applied centralized, utility-style controls to their continent’s Internet infrastructure. This is a marked difference from the light-touch approach that a bipartisan set of U.S. lawmakers pioneered in 1996 and applied to networks here in America—an approach that has allowed the free and open Internet to thrive in this country and our Internet economy to become the envy of the world. Indeed, networks in America far outpace those in Europe. But that could change.

Later this month, the FCC will vote on a Biden Administration plan for government control of the Internet that mimics Europe’s centralized approach. The Biden Administration plan goes far beyond seeking to codify net neutrality rules—it would apply Europe’s utility-style regulations, which have nothing at all to do with net neutrality. This would be a serious mistake, as COVID-19 shows.

During the pandemic, as remote work and stay-at-home mandates spread across the world, Internet traffic surged dramatically. With the sudden spike in online traffic, COVID-19 represented the ultimate stress test for a country’s approach to network regulation. The results are telling.

In Europe, regulators responded to the upswing in traffic by asking Netflix and YouTube to throttle down their online services “to prevent the internet collapsing under the strain of unprecedented usage,” as [CNN](#) noted at the time. Asking Netflix and others to ration their Internet streams was part of what one EU regulator described as “a joint responsibility to take steps to ensure the smooth functioning of the internet during the battle against the virus.”

European regulators had good reason to think that their continent’s fragile, underinvested networks—a product of Europe’s outdated utility regulation—would fail to sustain the surge in Internet traffic that spiked in the spring of 2020. Indeed, “[t]he performance of the EU’s networks deteriorated significantly” at the time and “Expose[d] Europe’s Creaking Internet for All to See,” as many [reports noted](#). In America, on the other hand, median network speeds *exceeded* those in Europe by 83% percent at a time when connectivity mattered the most.

In the U.S., we did not have to ask streamers like Netflix or Disney+ to degrade the quality of consumers’ streams because we got it right with our successful, light-touch approach to Internet regulation. Our framework created the incentives for the private sector to invest massive, record-breaking sums and build out robust, resilient, and competitive networks. Or, as former FCC Chairman Tom Wheeler wrote while reflecting on the performance of U.S. networks during COVID-19: “Credit is due to the nation’s broadband providers. The fact we can work from home is the result of hundreds of billions of investment dollars and construction and operational skill.” For decades, we came together on a bipartisan basis and eschewed the regulatory own goal of rate regulation and intrusive, utility-style rules—rules that drive network investment away and network performance down.

The proof can be seen in the data. Just compare networks in the U.S. to those in Europe:

- U.S. networks are [faster](#) than in every single country in Europe, as Ookla’s fixed, median download speed rankings show.
- U.S. networks are [more competitive](#) than those in Europe, with the U.S. having a nearly two-fold or 40 percentage point lead (87% to 45%) when it comes to households with access to two or more wired, facilities-based providers.
- U.S. networks [bridge the digital divide](#) more so than those in Europe, with the U.S. leading Europe by 11 percentage points (98% to 87%) when it comes to households with high-speed, fixed broadband, and by an even larger, 31 percent (91% to 60%) in rural areas.
- U.S. 5G networks cover 95% of the U.S. population compared to just 72% in Europe, according to EU [officials](#).
- U.S. networks are benefiting from providers here [investing three-fold more](#) per household than their European counterparts.

The contrast between America’s successful, light-touch approach and Europe’s heavy-handed one is quite stark. Indeed, this gap is why one of the EU’s top regulators recently remarked that “[i]n terms of 5G deployment, the EU lags behind other regions of the world.”

Here’s the bottom line. America’s networks are not broken. Our light-touch regulatory model has not failed. But Europe’s utility-style regime has. So the question is this: Why is the FCC proposing to make networks in America look more like the fragile, underinvested ones in Europe?

I hope we change course.

###

Office of Commissioner Brendan Carr
www.fcc.gov/about/leadership/brendan-carr

Media Contact: Greg Watson
greg.watson@fcc.gov